

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

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FEB 14 PM 2:54

OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

Form #7

Effective Date

NOTICE OF AN EMERGENCY RULE

Department of Commerce, Labor
and Environmental Resources,

AGENCY: Division of Natural Resources

TITLE NUMBER: 47

CITE AUTHORITY: W. Va. Code §20-1-7(30)

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES _____ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED _____

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: 250

TITLE OF RULE BEING FILED AS AN EMERGENCY: Special Requirements

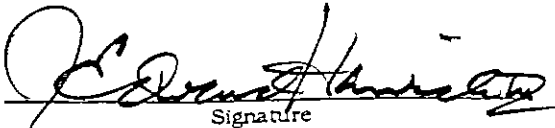
Concerning Boating

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

47CSR25D, Special Requirements Concerning Boating is being proposed by the Division of Natural Resources, Law Enforcement Section, as a new legislative rule, to be filed as an EMERGENCY RULE. A thirty-day comment period will be provided prior to the emergency rule becoming effective. (The purpose of this rule is to assist the state of Maryland in reducing the number of injuries and deaths that now occur on the Potomac River near the mouth of Shenandoah by requiring that personal flotation devices be worn while boating, tubing or rafting on the Shenandoah River in West Virginia during the period beginning November 15 and ending May 15. The Emergency Rule is necessary so that it is in place for the upcoming high flow, high-use period, which is when much of the problem occurs.)

Use Additional Sheets If Necessary.


Signature



STATE OF WEST VIRGINIA
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES
DIVISION OF NATURAL RESOURCES

Capitol Complex, Building 3
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305
Telephone (304)348-2754

GASTON CAPERTON
Governor

J. EDWARD HAMRICK III
Director

ANN A. SPANER
Deputy Director

Memorandum

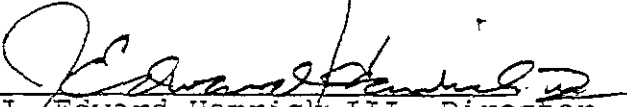
To: John M. Ranson, Secretary
Department of Commerce, Labor
and Environmental Resources

From: J. Edward Hamrick III, Director
Division of Natural Resources

Date: January 29, 1992

Subject: Division Approval of Proposed Rules and Request for
Department Consent to File.

=====
The proposed rule listed on the enclosed "MEMORANDUM OF
CONSENT" has my approval to be proposed pursuant to the West
Virginia Administrative Procedures Act. Your approval is
requested.


J. Edward Hamrick III, Director
Division of Natural Resources

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Special Requirements Concerning Boating, 47CSR25D
 Type of Rule: Legislative Interpretive Procedural
 Agency: Division of Natural Resources
 Address: Building 3, State Capitol Complex, Charleston, West Virginia

1. Effect of Proposed Rule	ANNUAL			FISCAL YEAR	
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services					
Current Expenses					
Repairs & Alterations		NO CHANGE			
Equipment					
Other					

2. Explanation of above estimates: These regulations establish safe boating practices while underway on specified waters of this State. No new administrative expenditures are anticipated.

3. Objectives of this rule: The objective of this rule is to provide for reduction of injury or fatality while boating on specified waters within this State.

4. Explanation of Overall Economic Impact of Proposed Rule.

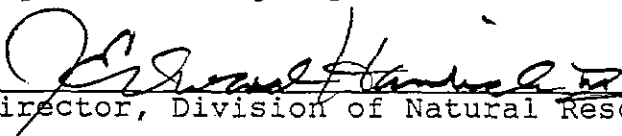
A. Economic Impact on State Government. No impact.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens. No impact.

C. Economic Impact on Citizens/ Public at Large. No impact.

Date: 2-14-92

Signature of Agency Head or Authorized Representative


 Director, Division of Natural Resources

PREAMBLE TO AN EMERGENCY RULE
CONCERNING BOATING

AGENCY: Department of Commerce, Labor, and Environmental Resources, Division of Natural Resources.

REGULATION: Title 47, Series 25D, "Special Requirements Concerning Boating."

ACTION: Filing of an Emergency Rule.

SUMMARY: The emergency rule being filed today provides for safe boating practices while underway on specified waters of this State.

EMERGENCY RULE

TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF COMMERCE, LABOR, AND ENVIRONMENTAL RESOURCES
DIVISION OF NATURAL RESOURCES

SERIES 25D
SPECIAL REQUIREMENTS CONCERNING BOATING

§47-25D-1. General.

1.1. Scope and Purpose. -- These regulations establish specific requirements that must be complied with when on specified waters of this State.

1.2. Authority. -- West Virginia Code §§20-1-7(30), 20-7-13, and 20-7-22.

1.3. Filing Date. --

1.4. Effective Date. --

§47-25D-2. Definitions.

2.1. All terms shall have the meaning prescribed under Title 47, Series 25, "Boating Regulations" under the Code of State Regulations.

§47-25D-3. Special Requirements.

3.1. A person aboard a vessel, raft, or tube shall wear a U.S. Coast Guard Approved Type I, II, III, or V personal flotation device (PFD) at all times while underway on the Shenandoah River within the boundaries of the State of West Virginia during the period beginning at 12:01 a.m. each November 15 and ending at 12 midnight each succeeding May 15.



STATE OF WEST VIRGINIA
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES
DIVISION OF NATURAL RESOURCES

Capitol Complex, Building 3
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305
Telephone (304)348-2754
Fax No (304)348-2768

GASTON CAPERTON
Governor

J. EDWARD HAMRICK III
Director

March 19, 1992

ANN A. SPANER
Deputy Director

Mrs. Judy Cooper
Secretary of State's Office
Administrative Law Division
State Capitol Complex
Bldg. 1, Suite 157-K
Charleston, West Virginia 25305

Dear Mrs. Cooper:

On February 14, 1992 the West Virginia Division of Natural Resources (WVDNR) filed with the Secretary of State's Administrative Law Division a Notice of an Emergency Rule for CSR Title 47, Series 25D (Special Requirements Concerning Boating). The WVDNR wishes to withdraw this rule from further consideration for promulgation. Thank you.

Sincerely,

Frank Pelurie
Administrator, Office of
Environmental and Regulatory
Affairs

OFFICE OF WEST VIRGINIA
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES

1992 MAR 19 PM 3:45

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